

THURSDAY, MARCH 12, 1992

SEVENTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. J. C. Christian, Rover Baptist Church, Eagleville, Tennessee.

Representative Phillips led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Turner (Hamilton).

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

MESSAGE FROM THE SENATE

March 11, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2325, 2330, 2476 and 2790; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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***Senate Bill No. 2325 -- Bad Checks --** Raises handling fee for bad checks from \$20.00 to \$25.00. Amends TCA, Title 47, Ch. 29. by *Koella, *Cooper, *Person, Elsea.

***Senate Bill No. 2330 -- Insurance, Health, Accident --** Permits insurance companies to write group or individual health insurance policies without present law provisions if consumer is informed of such exclusions; creates penalty of damages and court costs for noncompliance. Amends TCA, Title 56. by *Lawson.

***Senate Bill No. 2476 -- Professions and Occupations --** Defines certain terms pertaining to industrial hygiene; provides for registration of industrial hygienists; prohibits state agencies from prohibiting or restricting, by rule, practice of industrial hygiene by duly registered industrial hygienists. Amends TCA, Title 4, Ch. 3, Pt. 14; Titles 62, 63. by *Atchley, Gilbert.

Senate Bill No. 2790 -- Jackson -- Defines mission of hospital district to provide health care services on fee for service basis, with regard for indigent; substitutes city council for commissioners. Amends Chapter 686, Private Acts of 1949, as amended. by *McKnight.

**MESSAGE FROM THE SENATE
March 11, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 379, 380, 381, 382, 383, 385, 386, 391 and 394; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

Senate Joint Resolution No. 0379 -- Memorials, Interns -- Madeline Jane Boyle. by *Montgomery.

Senate Joint Resolution No. 0380 -- Memorials, Personal Occasion -- Ward and Gaynell Huddleston, golden wedding anniversary. by *Montgomery, *Crowe.

Senate Joint Resolution No. 0381 -- Memorials, Personal Achievement -- Tina Maria Rohs, Valedictorian. by *Rochelle.

Senate Joint Resolution No. 0382 -- Memorials, Personal Achievement -- Jameson Robert Abart, Eagle Scout. by *Person, Kyle.

Senate Joint Resolution No. 0383 -- Memorials, Personal Achievement -- William Jason Helms, Eagle Scout. by *Person, Kyle.

Senate Joint Resolution No. 0385 -- Memorials, Sports -- Nera White, National Basketball Hall of Fame. by *Burks.

Senate Joint Resolution No. 0386 -- General Assembly,

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Proclamations -- Centennial year of Cordell Hull's first election.
by *Burks.

Senate Joint Resolution No. 0391 -- Memorials, Personal Occasion
-- Violet and U.G. Trivett, 50th anniversary. by *Crowe, Greer,
Montgomery.

Senate Joint Resolution No. 0394 -- Memorials, Public Service --
Prom Promise Project. by *Atchley, *Gilbert, Kyle, Ford, Henry,
Dunavant, Person, Albright.

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 12, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we
have met and set the following bills on the **Regular Calendar** for
Monday, March 16, 1992: House Bill(s) No(s). 2198, 1763, 602, 1876,
1898, 2100, 2057, 1888, 2145 and 2318.

We further report that we have met and set the following bill(s)
and/or resolution(s) on the **Consent Calendar** for **Monday, March 16,**
1992: House Bill(s) No(s). 2317, 1865, 2106 and 1976.

PHILLIPS, Chair.

RULES SUSPENDED

Rep. Cole moved that the rules be suspended for the immediate
consideration of Senate Joint Resolution No. 391 out of order, which
motion prevailed.

Senate Joint Resolution No. 0391 -- Memorials, Personal Occasion
-- Violet and U.G. Trivett, 50th anniversary.

On motion, the rules were suspended for the immediate
concurrence in the resolution.

On motion of Rep. Cole, the resolution was concurred in.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1266 -- Workers' Compensation -- Expands list of
physicians to include those in state provider network. Amends TCA,
Title 50, Ch. 6.

Further consideration of House Bill No. 1266, previously
considered on April 2 and 25; May 9, 1991; also, February 20, 1992,
at which time it was reset to the Calendar for March 12, 1992.

Rep. Clark moved that House Bill No. 1266 be reset three weeks

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to the Calendar for April 2, 1992, which motion prevailed.

House Bill No. 1800 -- Sunset Laws -- Institute for African and Caribbean affairs, June 30, 1995.

Further consideration of House Bill No. 1800, previously considered on March 5, 1992, at which time it was reset to the Calendar for March 12, 1992.

Rep. King moved that House Bill No. 1800 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1790 -- Sunset Laws -- Collection service board, June 30, 1999; requires collection notices to contain information relative to board's responsibility to respond to complaints and how aggrieved debtors can file complaints with board. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 20.

Further consideration of House Bill No. 1790, previously considered on March 5, 1992, at which time a motion was made to adopt Amendment No. 1 and the bill was reset to the Calendar for March 12, 1992.

On motion, House Bill No. 1790 was made to conform with Senate Bill No. 1869.

On motion, Senate Bill No. 1869, on same subject, was substituted for House Bill No. 1790.

Rep. King moved that the motion to adopt Amendment No. 1, previously filed, be withdrawn, which motion prevailed.

Rep. West moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. King moved that Senate Bill No. 1869 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Riggsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell,

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Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1652** -- General Assembly -- Limits reimbursement of members to one trip from home to Nashville per week. Amends TCA 3-1-106.

Rep. Rhinehart moved that House Bill No. 1652 be passed on third and final consideration.

Rep. Kernell moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 1652 by designating the existing amendatory language of Section 1 as subdivision () (1), and by adding a new subdivision thereto, as follows:

() (2) The provisions of this subsection shall not apply when a member experiences hardship or disability, as determined by the joint legislative services committee, as provided in title 3, chapter 10. A member may apply to the joint legislative services committee for approval for reimbursement as a result of hardship or disability.

AND FURTHER AMEND by deleting in Section 1 the language "one (1) round trip" and by substituting instead the language "reimbursement for one (1) round trip air fare".

Rep. Haley moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.	81
Noes.	14
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Chumney, Clark, Dixon, Jones

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R (Shelby), Jones U (Shelby), Kernell, King, Phillips, Pinion, Purcell, Robinson (Davidson), Robinson (Hamilton), Turner (Shelby), Whitson -- 14.

Representatives present and not voting were: Knight -- 1.

Rep. Rhinehart moved that House Bill No. 1652 be passed on third and final consideration.

Thereupon, Rep. Anderson moved the previous question, which motion prevailed by the following vote:

Ayes.	75
Noes.	17
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Johnson, Joyce, Kent, Kisber, Knight, Love, McAfee, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 75.

Representatives voting no were: Chiles, Chumney, Copeland, DeBerry, Duer, Fowlkes, Hubbard, Jackson, Jones U (Shelby), Kernell, King, McDaniel, Meyer, Robinson (Davidson), Turner (Shelby), Venable, Williams (Shelby) -- 17.

Representatives present and not voting were: Haun -- 1.

Thereupon, Rep. Rhinehart moved that House Bill No. 1652 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	2
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby,

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Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Copeland, Kernell -- 2.

Representatives present and not voting were: Jones U (Shelby), King, Robinson (Hamilton) -- 3.

A motion to reconsider was tabled.

House Bill No. 1966 -- Taxes, Gasoline, Petroleum Products -- Allows tax credit on petroleum product transfers and sales between refiners; allows refund on petroleum products exported from Tennessee. Amends TCA 67-3-1003, 67-3-5002; Title 67, Ch. 3, Pt. 91.

On motion, House Bill No. 1966 was made to conform with Senate Bill No. 1667.

On motion, **Senate Bill No. 1667**, on same subject, was substituted for House Bill No. 1966.

Rep. Kisber moved that **Senate Bill No. 1667** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1877 -- Zoning -- Establishes procedure for calling election on county zoning question. Amends TCA, Title 13, Chs. 3, 7.

On motion, House Bill No. 1877 was made to conform with Senate Bill No. 1737.

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On motion, Senate Bill No. 1737, on same subject, was substituted for House Bill No. 1877.

Rep. Huskey moved that Senate Bill No. 1737 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1737 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 85,800 nor more than 86,100 according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. McKee moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 1737 by adding the following new section to precede the effective date section:

SECTION _____. The provisions of this act shall also apply to any county having a population of not less than forty-two thousand two hundred (42,200) nor more than forty-two thousand five hundred (42,500), according to the 1990 federal census of population or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Head moved to amend as follows:

Amendment No. 3

AMEND Senate Bill No. 1737 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. In any area of a county that has adopted a county zoning ordinance, then, notwithstanding any provision of law, rule or regulation to the contrary, a municipality shall be authorized to annex territory which includes any area of such county only by referendum for approval or disapproval of the qualified voters who reside in the territory proposed for annexation in the manner provided in §6-51-105 subsections (a), (c), (d) and (e); provided, however, the provisions of this section shall not apply to any area that would not by virtue of the annexation come under the authority of a different governing body.

AND FURTHER AMEND by deleting from the new section added by House State and Local Government Committee Amendment No. 1 the words "The provisions of this act", and by substituting instead the words "The provisions of Sections 1 and 2 of this act".

AND FURTHER AMEND by deleting from the effective date section the words "the provisions of this act", and by substituting instead the words "The provisions of Sections 1 and 2 of this act".

Rep. Anderson moved that Amendment No. 3 be tabled.

MOTION

Rep. Coffey moved that the House adjourn, which motion failed by the following vote:

Ayes.	6
Noes.	88
Present and not voting.	2

Representatives voting aye were: Arriola, Coffey, Hubbard, King, Moore, Wood -- 6.

Representatives voting no were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 88.

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Representatives present and not voting were: Haun, Kernell
-- 2.

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Anderson renewed the motion that Amendment No. 3 be tabled, which prevailed by the following vote:

Ayes.	46
Noes.	43
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bivens, Bragg, Chiles, Coffey, Collier, Crain, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hassell, Herron, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Liles, McKee, Nuber, Phillips, Pinion, Purcell, Ridgeway, Tindell, Tullos, Turner (Shelby), West, Williams (Shelby), Mr. Speaker Naifeh -- 46.

Representatives voting no were: Arriola, Bittle, Buck, Byrd, Callicott, Chumney, Clark, Copeland, Cross, Davidson, Davis (Knox), Duer, Ferguson, Harrill, Head, Hill, Holcomb, Kernell, Knight, McAfee, McDaniel, Meyer, Moore, Niceley, Odom, Peroulas Draper, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Venable, Walley, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 43.

Representatives present and not voting were: Cole, Hargrove, Haun, Hillis, Johnson, Napier, Pruitt, Rhinehart -- 8.

Amendment No. 4

AMEND Senate Bill No. 1737 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. The following notices of the public hearing to discuss an annexation proposal shall be given at least seven (7) days before the hearing required in Tennessee Code Annotated, Title 6, Chapter 51, Part 1, in any area of a county where annexation is proposed if such county has adopted a county zoning ordinance:

(1) Publication at least once in a newspaper of general circulation, which is published or circulated in the city or town and the territory

proposed to be annexed, at least fifteen (15) days before the end of the waiting period.

(2) Posting in at least three (3) conspicuous public places in the territory proposed to be annexed.

(3) Notice by first class mail with an accurate map of the territory proposed to be annexed sent to each owner of the real and personal property that would be subject to taxation by the city or town in the event of annexation in the territory proposed to be annexed.

AND FURTHER AMEND by deleting from the new section added by House State and Local Government Committee Amendment No. 1 the words "The provisions of this act", and by substituting instead the words "The provisions of Sections 1 and 2 of this act".

AND FURTHER AMEND by deleting from the effective date section the words "the provisions of this act", and by substituting instead the words "the provisions of Sections 1 and 2 of this act".

PARLIAMENTARY INQUIRY

Rep. Copeland asked the Chair to rule, based on the last motion to table Amendment No. 3 to Senate Bill No. 1737, whether a vote of "present not voting" was counted for purposes of determining "a majority of those present and voting".

RULING OF THE CHAIR

Mr. Speaker Naifeh ruled that only those members voting "aye" or "no" were counted to determine the total of those voting and that a vote of "present not voting" did not count in the total.

REGULAR CALENDAR, CONTINUED

Rep. Huskey moved that Senate Bill No. 1737 be reset to the Calendar for Wednesday, March 18, 1992, which motion prevailed.

***House Bill No. 1919 -- Administrative Procedure --** Revises authority of government operations committees to suspend certain rules and regulations. Amends TCA, Title 4, Ch. 5, Pt. 2.

Rep. Garrett moved that **House Bill No. 1919** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	95
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Herron, Jackson -- 2.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

**MESSAGE FROM THE SENATE
March 12, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 397; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Windle moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 397 out of order, which motion prevailed.

Senate Joint Resolution No. 0397 -- Memorials, Personal Achievement -- Loretta Qualls, 1992 Ms. Senior Tennessee. by *O'Brien.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Windle, the resolution was concurred in.

A motion to reconsider was tabled.

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BILLS WITHDRAWN

On motion of Rep. Pruitt, House Bill No. 465 was recalled from the Education Committee.

On motion of Rep. Pruitt, House Bill No. 465 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1387: Rep(s). Rhinehart as sponsor(s).

House Bill No. 1721: Rep(s). Knight as prime sponsor(s).

House Bill No. 1733: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 2237: Rep(s). Armstrong, Bittle, Hill, Peroulas Draper, Severance and Tindell as prime sponsor(s).

House Bill No. 2433: Rep(s). Robinson (Davidson) as prime sponsor(s).

House Bill No. 2433: Rep(s). Callicott as sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0167 -- Memorials, Personal Achievement -- Michael Bradley Love, Eagle Scout. by *Haley.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0562 -- Memorials, Sports -- William A. Pearman, Tennessee Sports Hall of Fame. by *Jones R.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0563 -- Memorials, Personal Achievement -- 1992 Beautillion Militaire inductees and Shelby County Chapter of Links, Inc. by *Jones R.

Referred by the Speaker to the Calendar and Rules Committee.

RULES SUSPENDED

Rep. Hubbard moved that the rules be suspended for the purpose

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of concurring in Senate Joint Resolution No. 380 out of order, which motion prevailed.

Senate Joint Resolution No. 0380 -- Memorials, Personal Occasion -- Ward and Gaynell Huddleston, golden wedding anniversary.

On motion of Hubbard, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 571 out of order, which motion prevailed.

***House Joint Resolution No. 0571** -- Naming and Designating -- Name administrative building at West Tennessee Veterans Cemetery in honor of Commissioner W. D. "Bill" Manning. by *Hillis, *Knight, *Haley, *Kent, *Bell, *Cole, *Crain, *Givens, *Cross, *Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowkles, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Turner (Shelby)
-- 1.

A motion to reconsider was tabled.

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RULES SUSPENDED

Rep. Severance moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 394 out of order, which motion prevailed.

Senate Joint Resolution No. 0394 -- Memorials, Public Service -- Prom Promise Project.

On motion of Rep. Severance, the resolution was concurred in.

A motion to reconsider was tabled.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0379 -- Memorials, Interns -- Madeline Jane Boyle.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0381 -- Memorials, Personal Achievement -- Tina Maria Rohs, Valedictorian.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0382 -- Memorials, Personal Achievement -- Jameson Robert Abart, Eagle Scout.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0383 -- Memorials, Personal Achievement -- William Jason Helms, Eagle Scout.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0385 -- Memorials, Sports -- Nera White, National Basketball Hall of Fame.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0386 -- General Assembly, Proclamations -- Centennial year of Cordell Hull's first election.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

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House Bill No. 2801 -- Samburg -- Increases maximum tax from 2 1/4 percent to 5 percent which may be levied under hotel/motel tax. Amends Chapter 65, Private Acts of 1989. by *Pinion.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 2325** -- Bad Checks -- Raises handling fee for bad checks from \$20.00 to \$25.00. Amends TCA, Title 47, Ch. 29. (HB 2241).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2330** -- Insurance, Health, Accident -- Permits insurance companies to write group or individual health insurance policies without present law provisions if consumer is informed of such exclusions; creates penalty of damages and court costs for noncompliance. Amends TCA, Title 56. (HB 2659).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2476** -- Professions and Occupations -- Defines certain terms pertaining to industrial hygiene; provides for registration of industrial hygienists; prohibits state agencies from prohibiting or restricting, by rule, practice of industrial hygiene by duly registered industrial hygienists. Amends TCA, Title 4, Ch. 3, Pt. 14; Titles 62, 63. (HB 2361).

Held pending third consideration of companion House Bill.

Senate Bill No. 2790 -- Jackson -- Defines mission of hospital district to provide health care services on fee for service basis, with regard for indigent; substitutes city council for commissioners. Amends Chapter 686, Private Acts of 1949, as amended. (HB 2783).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 2796 -- Roane County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2797 -- Carter County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

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House Bill No. 2798 -- Gordonsville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2799 -- Coffee County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2800 -- Coffee County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**REPORT OF DELAYED BILLS COMMITTEE
March 12, 1992**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: **House Bill(s) No(s). 2803 and 2804.**

Jimmy Naifeh, Speaker
Bill Purcell
John Chiles

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
March 12, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: **House Bill(s) No(s). 2778, 2796, 2797, 2798, 2799 and 2800.**

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
March 12, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday March 16, 1992:** **House Resolution(s) No(s). 167; House Joint Resolution(s) No(s). 562 and 563; House Bill(s) No(s). 2778, 2796, 2797, 2798, 2799 and 2800; also Senate Joint Resolution(s) No(s). 379, 381, 382, 383, 385 and 386.**

PHILLIPS, Chair.

**MESSAGE FROM THE SENATE
March 12, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate

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Joint Resolution(s) No(s). 391; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED
March 12, 1992

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 391.

ENGROSSED BILLS
March 12, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1652; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 12, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 852; also, Senate Joint Resolution(s) No(s). 362; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS
March 12, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1146 and 1840; House Resolution(s) No(s). 166; also, House Joint Resolution(s) No(s). 498, 564 and 565; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
March 12, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 1146 and 1840; House Joint Resolution(s) No(s). 498,

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564 and 565; also, House Resolution(s) No(s). 166.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 12, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 541, 544, 546, 549, 550, 551, 553 and 554; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 12, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2370, 2419, 2442, 2459, 2486, 2555, 2556, 2648, 2736, 2738 and 2777; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
March 12, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1919; also, House Joint Resolution(s) No(s). 571; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 12, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 320, 387 and 388; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0320 -- General Assembly, Adjournment, Recess -- Adjourns sine die 97th General Assembly at close of business on Friday, March 20, 1992. by *Burks.

Senate Joint Resolution No. 0387 -- Memorials, Public Service --

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Gamma Beta Phi Society, 1992 National Convention. by *McNally.

Senate Joint Resolution No. 0388 -- Memorials, Personal Achievement -- Janene Marie O'Donnell, Valedictorian. by *Rochelle, Haynes.

**MESSAGE FROM THE SENATE
March 12, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2079, 2107, 2253, 2260, 2276, 2341 and 2371; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2079** -- Railroads -- Creates Interstate Rail Passenger Network Compact. Amends TCA, Title 4. by *Henry, *Davis E, Crowe, McKnight, Springer.

***Senate Bill No. 2107** -- County Government -- Increases penalty for violation of county ordinances from \$50 to \$500 and up to 30 days in jail. Amends TCA 5-1-211. by *Atchley, *Gilbert.

***Senate Bill No. 2253** -- Tennessee Housing Development Agency -- Limits terms of board; creates audit and budget committee; requires agency money not for immediate use be invested in collateralized guaranteed investment contracts. Amends TCA, Title 13, Ch. 23. by *Cohen, *Harper, *Haynes, *McKnight.

***Senate Bill No. 2260** -- Traffic Safety -- Permits municipality with population greater than 100,000 to levy fee up to 75 cents on traffic violation convictions; allows revenues generated from fee to be used for traffic safety and educational purposes. Amends TCA, Title 55, Ch. 10, Pt. 3. by *Atchley, *Gilbert.

Senate Bill No. 2276 -- County Officers -- Abolishes office of constable in Humphreys County. Amends TCA, Title 8, Ch. 10. by *Darnell.

Senate Bill No. 2341 -- Election Laws -- Provides if county election commission photocopies nominating petition, it shall indicate in upper right hand corner of each page that document was photocopied prior to disbursing form to candidate. Amends TCA 2-5-102. by *Montgomery.

***Senate Bill No. 2371** -- Salaries and Benefits -- Changes classification of counties under provision establishing minimum salaries to retain Trousdale County in the same class, notwithstanding decrease in population in 1990 census. Amends TCA 8-24-104. by *Burks.

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**SIGNED
March 12, 1992**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 852; also, Senate Joint Resolution(s) No(s). 362.

**MESSAGE FROM THE SENATE
March 12, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 397; for the signature of the Speaker.

**CLYDE W. MCCULLOUGH, JR.,
Chief Clerk.**

**SIGNED
March 12, 1992**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 397.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, March 16, 1992.